

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF NY

JAMES ZIMMERMAN, et al.,

Plaintiff

v.

POLY PREP COUNTRY DAY SCHOOL, et al.,
(See Schedule A for Full Caption),

Defendant

Civil Action No. 09-cv-4586 (FB)(CLP)

**FIRST AMENDED
SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* Michael Novello
7914 Royal Birkdale Circle
Lakewood Ranch, FL 34202

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Kevin T. Mulhearn, P.C.
60 Dutch Hill Road, Suite 8
Orangeburg, NY 10962
Phone: (845)398-0361
Fax: (845)398-3836
Email: kmulhearn@ktmlaw.net

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

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PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

SCHEDULE A:

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAMES ZIMMERMAN, PHILIP CULHANE,
DAVID HILTBRAND, WILLIAM JACKSON,
GEORGE ZAROU, JOHN JOSEPH PAGGIOLI
(Formerly "JOHN DOE I"), "JOHN DOE II," "JOHN
DOE III," PHILIP C. HENNINGSEN (Formerly "JOHN
DOE IV"), PHILIP LYLE SMITH, "JOHN DOE V," and
DAVID ZARNOCK,

FULL CAPTION

Plaintiffs,

- against -

POLY PREP COUNTRY DAY SCHOOL, WILLIAM
M. WILLIAMS, DAVID B. HARMAN, VARIOUS
MEMBERS OF THE POLY PREP BOARD OF TRUSTEES,
WHOSE NAMES ARE CURRENTLY UNKNOWN AND
THUS DESIGNATED AS "JAMES DOE I-XXX," HARRY
PETCHESKY, ESQ., ROBERT F. HERRMANN, ESQ., and
MICHAEL NOVELLO,

09 Civ. 4586 (FB)(CLP)

Defendants.
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